

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

IHOP RESTAURANTS LLC,

Plaintiff,

v.

**1385 – TYLER, INC. and MEREDITH
ELSTON,**

Defendants.

Case No. 6:20-cv-00099-JDK

**PLAINTIFF IHOP RESTAURANTS LLC'S
NOTICE OF DISMISSAL WITHOUT PREJUDICE**

Plaintiff, IHOP Restaurants LLC (“IHOP”) respectfully submits this Notice of Dismissal Without Prejudice under Fed. R. Civ. P. 41(a)(1). In support thereof, IHOP respectfully states the following:

1. IHOP filed the Complaint against Defendants on February 25, 2020. Dkt. 1.
2. Summons’ were issued on February 26, 2020, Defendants were served on March 2, 2020, and the summons’ were returned executed on March 6, 2020. Dkts. 2, 7-8.
3. The deadline for Defendants to serve an answer or responsive pleading was March 23, 2020. Dkts. 7-8; Fed. R. Civ. P. 12(a).
4. Defendants have not served an answer or responsive pleading.
5. Defendants have not appeared to defend this lawsuit, either through counsel, or with respect to Elston as an individual, pro se.
6. Under Fed. R. Civ. P. 41(a)(1)(A)(i), IHOP may dismiss the action without a court order by filing this Notice of Dismissal because Defendants have not appeared.

7. This dismissal is without prejudice under Fed. R. Civ. P. 41(a)(1)(B).

8. Undersigned counsel informed Defendants of the filing of this Notice of Dismissal via electronic mail on June 11, 2020.

Respectfully submitted June 11, 2020.

By: /s/ Noah M. Schottenstein

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Noah M. Schottenstein (admitted *pro hac vice*)

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*Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2020, I electronically filed the foregoing by using the CM/ECF system and have served a copy upon Defendants via electronic mail.

By: /s/ Noah M. Schottenstein

Noah M. Schottenstein